DISTRICT OFFICE: CESWG FILE NUMBER: D-13003/(01)

Rovision

PROJECT LOCATION INFORMATION:

State: Texas County: Fort Bend

Center coordinates of site (latitude/longitude): 29 33' 34" N, 95 26' 51" W Approximate size of area (parcel) reviewed, including uplands: 955-acres.

Name of nearest waterway: Clear Creek Name of watershed: West Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 17 January 2007
Site visit(s) Date(s): 10 January 2007

J	urisd	lict	ional	Determ	ination	(JD):
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⊠	Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
14.	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
ं हों,	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.

the past, of may be susceptible for use to tamisport interstate of foreign commerce.

- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- \boxtimes (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Ditch A is a historic unnamed tributary to Clear Creek. Clear Creek is a navigable water of the United States subject to the ebb and flow of the daily tide in its lower reaches. As such, the unnamed tributary is subject to Corps jurisdiction under Section 404 of the CLean Water Act. The wetland fringe is contiguous with, and therefore adjacent to, the unnamed tributary. As such, these adjacent wetlands are subject to Corps jurisdiction under Section 404 of the Clean Water Act.

FILE NUMBER: D-13003/(01)

La	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank changes in the character of soil changes in the character of soil
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
⋈	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg • Oliver Associates, Inc. (Berg)
Base 選 ⊠	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. □ This office concurs with the delineation report, May 2006, prepared by: Berg □ This office does not concur with the delineation report, , prepared by: □ Data sheets prepared by the Corps. □ Corps' navigable waters' studies: □ U.S. Geological Survey Hydrologic Atlas: □ U.S. Geological Survey Hydrologic Atlas: □ U.S. Geological Survey 7.5 Minute Topographic maps: Almeda, Texas quad □ U.S. Geological Survey 15 Minute Historic quadrangles: □ U.S. Geological Survey 15 Minute Historic quadrangles: □ U.S. Deological Survey 15 Minute Historic quadrangles: □ U.S. Geological Survey 15 Minute Historic survey: □ National wetlands inventory maps: Almeda, Texas quad □ State/Local wetland inventory maps: Almeda, Texas quad □ State/Local wetland inventory maps: □ FEMA/FIRM maps (Map Name & Date): Fort Bend County, Texas, Panels 280 & 290, Published 3 Jan 1997 □ 100-year Floodplain Elevation is: (NGVD) □ Aerial Photographs (Name & Date): 1956 & 1969 B&W, 1995 CIR, and 2004 HGAC true color □ Other photographs (Date): Photos taken during field work by Berg personnel □ Advanced Identification Wetland maps: □ Site visit/determination conducted on: 10 January 2007 □ Applicable/supporting case law: □ Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** SWG-2007-364

PROJECT LOCATION	INFORMATION:
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State: Texas County: Matagorda

Center coordinates of site (latitude/longitude): 28 48 22.8830 95 39 17.5030

Approximate size of area (parcel) reviewed, including uplands: .02 acres.

Name of nearest waterway: Caney Creek

Name of watershed: East Matagorda Bay, TX HUC 12090402

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Site visit(s) Date: 3/29/2007

Date: 3/29/2007

Date: 3/29/2007

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: SWG-2007-364

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank claar, natural line impressed on the bank claar, natural line impressed on the bank claar, natural line impressed on the bank clear, natural line indicated by: clear, natural line impressed on the bank clear, natural line indicated by: cilear, natural line impressed on the bank cilear, shell or debris deposits (foreshore) physical markings/characteristics destruction of terrestrial vegetation clear, natural line impressed on the bank cilear, shell or debris deposits (foreshore) physical markings/characteristics clear, natural line impressed on the bank cilear, shell or debris deposits (foreshore) changes in the character of soil clear, shell or debris deposits (foreshore) changes in the character of soil clear, shell or debris deposits (foreshore) changes in the character of soil clear, shell or debris deposits (foreshore) changes in the character of soil clear, shell or debris deposits (foreshore) cle
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadr

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-2007-129

PROJ	JEC	T LOCA	TION II	NFORMATION:					
S	State	: :	Texas						
	our		Aransas						
				ite (latitude/longitud		28.136N / 97.053W			
					l, including	g uplands: 1.0 acres.			
				way: Copano Bay					
N	Vam	e of wate	rshed:	Aransas Bay					
	~								
				ERMINATION		T			
(Com	pleted:	_	determination	\boxtimes	Date: 2 April 2007			
			Site visi	t(s)	2	Date(s):			
J	uri	sdictiona	l Determ	ination (JD):					
Г	\neg	Prelimin	arv ID - F	Based on available i	nformation	, \Box there appear to be (or) \Box there appear to be no "waters of the			
_		United S	tates" and			Inited States" on the project site. A preliminary JD is not appealable			
•	a	A	4 ID 4.			option (Defended 22 CFD and 221)			
k			that app		арреатавте	e action (Reference 33 CFR part 331).			
						ates" (as defined by 33 CFR part 329 and associated guidance) within			
		the revie	wed area.	Approximate size	of jurisdict	ional area: .			
				ters of the United Stopproximate size of j		defined by 33 CFR part 328 and associated guidance) within the al area:			
		☐ There	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.						
DACI	s 0	E IIIDIS	DICTIO	NAL DETERMIN	ATION.				
						ivigable waters of the United States":			
						o and flow of the tide and/or are presently used, or have been used in			
L.						rt interstate or foreign commerce.			
E	3.	Waters	defined u	nder 33 CFR part	328.3(a) a	s "waters of the United States":			
		(1) The p	resence o	of waters, which are	currently u	used, or were used in the past, or may be susceptible to use in			
_						ters which are subject to the ebb and flow of the tide.			
ي				of interstate waters i					
L						te lakes, rivers, streams (including intermittent streams), mudflats,			
						et meadows, playa lakes, or natural ponds, the use, degradation or			
						nerce including any such waters (check all that apply):			
						or foreign travelers for recreational or other purposes.			
						be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.			
г	_			s of waters otherwis					
F						swaters of the 0.8 . led in $(1) - (4)$ above.			
F				of territorial seas.	uci identili	(iii (1) = (7) a004C.			
ř					2 to other v	waters of the US, except for those wetlands adjacent to other wetlands.			
	_	(1) The presence of mentalide adjacent to other material of the Co, except for those mentalide adjacent to other wethands.							

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-129 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics tidal gages destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: ⊠ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: LAMAR, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO, 2002 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-2007-352

Sta Co Ce Ap Na	te: unty: nter coordi proximate	Texas Live Oak nates of sit size of are est waterw	te (latitude/longitu	d, including	28.281N / 97.976W g uplands: 1.0 acres.
			RMINATION determination (s)		Date: 2 April 2007 Date(s):
Ju	risdictiona	ıl Determi	nation (JD):		
	United S	tates" and			, ☐ there appear to be (or) ☐ there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
×		d JD – An I that apply		appealable	e action (Reference 33 CFR part 331).
	☐ There the revie	e <i>are</i> "navi wed area.	gable waters of th Approximate size	e United St of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the United S proximate size of		defined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There	e are "isolo			ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters of The pres	defined ur ence of wa	ters that are subje	329 as "nact to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B. □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (3) The printerstate (4) Printerstate (5) The printerstate (6) The printerstate (5) The printerstate (5) The printerstate (6) The printerstate (5) The printerstate (5) The printerstate (6) The print	or foreign or foreign or sence of oresence of s, wetlands on of which which are of from which which are oundments or esence of oresence of	f waters, which are a commerce, inclust f interstate waters f other waters such s, sloughs, prairie p th could affect inter- tor could be used by fish or shellfish or could be used to of waters otherwise f a tributary to a was f territorial seas.	e currently uding all wat including in a sa intrastal botholes, we erstate common interstate of are or could for industrial se defined a later identifi	s "waters of the United States": used, or were used in the past, or may be susceptible to use in the swhich are subject to the ebb and flow of the tide. Interstate wetlands. It to lakes, rivers, streams (including intermittent streams), mudflats, the meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): for foreign travelers for recreational or other purposes. It be taken and sold in interstate or foreign commerce. If purposes by industries in interstate commerce. Is waters of the US. It is a successful to those wetlands adjacent to other wetlands waters of the US, except for those wetlands adjacent to other wetlands

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-352 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: □ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: MULOS HILLS, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): NAIP, 2004 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on:

Applicable/supporting case law:
Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-2007-392

Stat Cou Cen App Nar	te: inty: iter coordi proximate	Texas Kleberg nates of sit size of are est waterw	te (latitude/longituda (parcel) reviewed ay: Cayo del Grull Baffin Bay	l, including	27.344N / 97.691W guplands: 0.1 acres.
			RMINATION determination (s)		Date: 2 APril 2007 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and	ased on available in for "navigable water part 331).	nformation ers of the U	, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable
\boxtimes		d JD - An I that appl		appealable	e action (Reference 33 CFR part 331).
			gable waters of the Approximate size		ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
			ers of the United S proximate size of j		defined by 33 CFR part 328 and associated guidance) within the al area:
	☐ There	e are "isol			ete waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
Α.	Waters The pres	defined ur ence of wa	ters that are subject	329 as "na t to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in out interstate or foreign commerce.
B.	(1) The printerstate (2) The printerstate (3) The p	presence of e or foreign presence of presence of s, wetlands on of which which are of from which which are	f waters, which are n commerce, include f interstate waters if f other waters such , sloughs, prairie p th could affect inte or could be used by h fish or shellfish a or could be used f	currently using all wat necluding in as intrastate otholes, we restate common interstate of the or could or industria	s "waters of the United States": used, or were used in the past, or may be susceptible to use in the swhich are subject to the ebb and flow of the tide. Interstate wetlands ¹ . Ite lakes, rivers, streams (including intermittent streams), mudflats, the meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. If purposes by industries in interstate commerce. Is waters of the US.
	(6) The 1	presence of	f territorial seas.		ied in (1) – (4) above. vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-392 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: oil or scum line along shore objects clear, natural line impressed on the bank fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: ☐ U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: RIVIERA BEACH, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: ☐ National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date):
100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): GLO, 2003
Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-2007-413

P

te: Tex- unty: San ter coordinates proximate size one of nearest wa	as Patricio of site (latitude/longitude) of area (parcel) reviewed, aterway: Nueces River	e): including	28.032N / 97.771W uplands: 0.1 acres.			
mpleted: Desi	ktop determination		Date: 2 April 2007 Date(s):			
isdictional Det	ermination (JD):					
United States"	'and/or "navigable water		there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
		ppealable	action (Reference 33 CFR part 331).			
			ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:			
☑ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.1 Acres.						
☐ There are	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No					
Waters define The presence of	ed under 33 CFR part 3 of waters that are subject	29 as "na to the ebb	and flow of the tide and/or are presently used, or have been used in			
(1) The present interstate or for (2) The present (3) The present sandflats, weth destruction of (i) which (ii) from (iii) which (4) Impoundm (5) The present (6) The present	ace of waters, which are coreign commerce, including the of interstate waters in the of other waters such a lands, sloughs, prairie pot which could affect inters are or could be used by it which fish or shellfish are hare or could be used for the of waters otherwise the of a tributary to a water of territorial seas.	currently using all water cluding in as intrastate tholes, we tate communiterstate on could industrial defined as er identification.	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands ¹ . e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or herce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.			
	te: Tex anty: San atter coordinates proximate size of the of nearest with the reviewed area. There are are are reviewed area. There are are reviewed area. There are are are reviewed area. The presence of the past, or may always a subject to the past, or may are	Inty: San Patricio Inter coordinates of site (latitude/longitude proximate size of area (parcel) reviewed, me of nearest waterway: Nueces River me of watershed: Lower Nueces ICCTIONAL DETERMINATION Impleted: Desktop determination Site visit(s) Insidictional Determination (JD): Preliminary JD - Based on available intervity United States" and/or "navigable water (Reference 33 CFR part 331). Approved JD - An approved JD is an a Check all that apply: There are "navigable waters of the the reviewed area. Approximate size of Jurisdiction. In the presence of waters of the United State reviewed area. Approximate size of Jurisdiction. In the presence of waters that are subject the past, or may be susceptible for use of the presence of other waters waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie pot destruction of which could affect inters (i) which are or could be used by in (ii) from which fish or shellfish are (iii) which are or could be used for (4) Impoundments of waters otherwise (5) The presence of a tributary to a wate (6) The presence of territorial seas.	te: Texas anty: San Patricio nter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including ne of nearest waterway: Nueces River ne of watershed: Lower Nueces PICTIONAL DETERMINATION mpleted: Desktop determination Site visit(s) Preliminary JD - Based on available information, United States" and/or "navigable waters of the U (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United State the reviewed area. Approximate size of jurisdiction There are "waters of the United States" (as d reviewed area. Approximate size of jurisdictiona There are "isolated, non-navigable, intra-stat Decision supported by SWAl Jurisdiction. DF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transport Waters defined under 33 CFR part 328.3(a) as (1) The presence of waters, which are currently u interstate or foreign commerce, including all wate (2) The presence of interstate waters including in (3) The presence of other waters such as intrastat sandflats, wetlands, sloughs, prairie potholes, we destruction of which could affect interstate comm (ii) which are or could be used by interstate of (iii) which are or could be used for industria (4) Impoundments of waters otherwise defined as (5) The presence of a tributary to a water identific (6) The presence of territorial seas.			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

2 FILE NUMBER: SWG-2007-413 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: shelving other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☒ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: MATHIS, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): NAIP, 2004

Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on:

Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 24423 PROJECT LOCATION INFORMATION: State: Texas County: Aransas Center coordinates of site (latitude/longitude): 28.113N / 97.025W Approximate size of area (parcel) reviewed, including uplands: 2.0 acres. Name of nearest waterway: Copano Bay Name of watershed: Aransas Bay JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: 3 April 2007 Site visit(s) Date(s): Jurisdictional Determination (JD): Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: ☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: ☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(6) The presence of territorial seas.

FILE NUMBER: 24423

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other: □ other: □ High Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
⊠	Mean High Water Mark indicated by: ⊠ survey to available datum; □ physical markings; □ vegetation lines/changes in vegetation types.
₹.	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: ROCKPORT, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): NAIP, 2004 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: SWG-2007-425

Star Cor Cer App Nar	te: unty: nter coordi proximate:	Texas Cameron nates of si size of are est waterw	te (latitude/longi	itude): ved, includin	26.141N / 97.172W ag uplands: 5.0 acres.
			RMINATION determination (s)	\boxtimes	Date: 3 April 2007 Date(s):
Jur	isdictiona	l Determi	nation (JD):		
	United S	tates" and			n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
\boxtimes		d JD – An l that appl		an appealabl	le action (Reference 33 CFR part 331).
			gable waters of Approximate si		tates" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
☑ There are "waters of the United States" (as dereviewed area. Approximate size of jurisdictional. ☐ There are "waters of the United States" (as dereviewed area.) ☐ There are "waters of the United States" (as dereviewed area.) ☐ There are "waters of the United States" (as dereviewed area.) ☐ There are "waters of the United States" (as dereviewed area.) ☐ There are "waters of the United States" (as dereviewed area.) ☐ There are "waters" ☐ There a					defined by 33 CFR part 328 and associated guidance) within the nal area: 0.095 acres.
	☐ There	e are "isol			ate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	Waters of	defined un ence of wa	ters that are sub	irt 329 as "n ject to the eb	navigable waters of the United States": bb and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B	(1) The printerstate (2) The printerstate (3) The printerstate (3) The printerstate (4) The printerstate (5) The printerstate (6) The printerstate (5) The printerstate (6) The printerstate (7) The p	oresence of or foreign oresence of oresence of wetlands on of which are of from which are undments oresence of oresence or	f waters, which a n commerce, inc f interstate water f other waters su , sloughs, prairie ch could affect in or could be used h fish or shellfis or could be used of waters other f a tributary to a f territorial seas.	are currently luding all wars including all wars intrastice potholes, waterstate comby interstate hare or could for industrivise defined water identi	used, or were used in the past, or may be susceptible to use in atters which are subject to the ebb and flow of the tide. interstate wetlands. ate lakes, rivers, streams (including intermittent streams), mudflats, wet meadows, playa lakes, or natural ponds, the use, degradation or imerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. ital purposes by industries in interstate commerce. as waters of the US. fied in (1) – (4) above. waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-425 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) High Tide Line indicated by: Ordinary High Water Mark indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Jimmey Sellers, Coastal Technology Corporation **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 13 March 2007, prepared by (company): Coastal Tech. Corp. This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: ■ U.S. Geological Survey 7.5 Minute Topographic maps: PORT ISABEL NW, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: PORT ISABEL NW, Texas State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) 100-year Floodplain Elevation is: Aerial Photographs (Name & Date): GLO, 2002

Other photographs (Date):

Advanced Identification WetIand maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RE **FILE NUMBER:** 14392(06)/2082

PRO	JEC	CT LOCATION	N INFORMATION:			
	State		_			
		nty: Calh				
	Center coordinates of site (latitude/longitude): 28.3971 - 96.7049					
	Approximate size of area (parcel) reviewed, including uplands: .02 acres.					
	Name of nearest waterway: San Antonio Bay Name of watershed: East San Antonio Bay TX HUC 12100403					
	ivan	e of watersned	: East San Antonio i	вау та г	10C 12100403	
JURISDICTIONAL DETERMINATION						
		-	visit(s)		Date(s):	
		Site	V1310(3)	<u> 1971</u>	Date(3).	
•	Jurisdictional Determination (JD):					
1	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not app (Reference 33 CFR part 331).					
į	Ø	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) with the reviewed area. Approximate size of jurisdictional area:				
		There are "reviewed area.	waters of the United Sta Approximate size of ju	ites" (as d risdictiona	efined by 33 CFR part 328 and associated guidance) within the al area:	
		There are			te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No	
RASI	s n	F HIRISDICT	TIONAL DETERMINA	TION.		
1	A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":						
	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.			ers which are subject to the ebb and flow of the tide.		
ľ		 (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, 				
لتنا		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):				
					r foreign travelers for recreational or other purposes.	
					be taken and sold in interstate or foreign commerce.	
г					purposes by industries in interstate commerce.	
		 (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. 				
L T						
ŕ				to other w	aters of the US, except for those wetlands adjacent to other wetlands.	
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Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: San Antonio Bay is a navigable water subject to ebb and tide flow, and therefore is jurisdictional under Section 10 of the Rivers and Harobrs Act.

FILE NUMBER: 14392(06)/2082 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages other: as stated by applicant shelving П other: Mean High Water Mark indicated by: survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. 币 Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. U.S. Geological Survey Hydrologic Atlas: ☐ U.S. Geological Survey 7.5 Minute Topographic maps: Seadrift, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e. occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District **FILE NUMBER:** SWG-2007-0390

Stat Cou Cen App Nan	e: Texas inty: Hidalgo ter coordinates of site (latitude/longitude): proximate size of area (parcel) reviewed, including uplands: approx. 1 acres. the of nearest waterway: Hackney Lake Inlet - Rio Grande the of watershed: Rio Grande				
	ICTIONAL DETERMINATION npleted: Desktop determination				
Jur	isdictional Determination (JD):				
	Preliminary JD - Based on available information, \square there appear to be (or) \square there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).				
\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.				
	☐ There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: acre.				
	☐ There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. ☐ Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.					
B	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iiii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.				
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Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: SWG-2007-0390 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects fine shell or debris deposits (foreshore) the presence of litter and debris changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: ☐ Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Elevated ditches with pump stations to move water for irrigation purposes. Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. , prepared by (company): This office concurs with the delineation report, dated This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: ☑ U.S. Geological Survey 7.5 Minute Topographic maps: Pharr U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: ☑ USDA Natural Resources Conservation Service Soil Survey: Hidalgo County National wetlands inventory maps: ☐ State/Local wetland inventory maps: EMA/FIRM maps (Map Name & Date): Hidalgo County, Panel No. 480334 0400C November 16, 1982 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.